

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	<b>Civil Action No. 99 0652</b>
	)	
v.	)	<b>JUDGE ROBERTSON</b>
	)	
CENTRAL PARKING CORPORATION and	)	
ALLRIGHT HOLDINGS, INC.,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF PLAINTIFF'S INTENT TO INVOKE  
PARAGRAPH IV(H) OF THE FINAL JUDGMENT**

On March 16, 1999, the United States filed a Complaint alleging that the proposed acquisition by Central Parking Corporation ("Central") of Allright Holdings, Inc. would violate Section 7 of the Clayton Act. The United States simultaneously filed a proposed consent decree ("decree") that would resolve the competitive concerns raised by the acquisition by requiring Central to divest 74 parking facilities in 18 cities around the United States. The Court entered the Final Judgment on February 11, 2000.

Pursuant to Paragraph IV(H) of the decree, the United States intends to relieve Central of its obligation to divest one parking facility in New York City, in

exchange for its divesting another, nearby facility. Paragraph IV(H) of the decree states in relevant part: “Unless the United States otherwise consents in writing, the divestitures pursuant to Section IV . . . shall include all the Parking Facilities . . . .”

Paragraph IV(H) is a provision routinely included by the United States in consent decrees that gives the United States the flexibility to make minor modifications to a divestiture package while still accomplishing the purpose of the divestitures, namely, to remedy the harm alleged in the Complaint by ensuring the continuing, viable operation of the divested assets by a new competitor in order to maintain competition in the particular industry.

Central recently requested that it be relieved of its obligation to divest facility 2227 in New York City, located at 345 W. 58th Street, proposing instead to divest its leasehold interest in a nearby facility at 140 W. 65th Street. The United States believes that Central’s proposal is in the public interest, because it will result in the divestiture of more parking capacity than that to which Central originally had agreed. Moreover, the facility at 140 W. 65th Street is better located for resolving the United States’ competitive concerns than the one Central is obligated to divest under the decree.

The United States believes that it is appropriate to invoke Paragraph IV(H) in this situation, as Central’s proposal fully preserves the competitive relief contained in the decree, and the single New York facility is only a small part of the

overall package of assets to be divested. Accordingly, the United States wishes to inform the Court of its intent to exercise its authority under Paragraph IV(H).

Respectfully submitted,

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Dated: March 8, 2000

### **Certificate of Service**

I, Joseph M. Miller, hereby certify that, on March 8, 2000, I caused the foregoing document to be served on defendants Central Parking Corporation and Allright Holdings, Inc. by having a copy mailed, first-class, postage prepaid, to:

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Joseph M. Miller